

## Minutes

### Arkansas State Board of Optometry

#### Regular Board Meeting at the Victory Building

October 10, 2020

Dr. Bryant Ashley, Board President, called the meeting to order at 1:30 p.m. with all board members present. Also in attendance were Dr. Howard Flippin, Board Executive Director; Ms. Bonita Wineman, Board Assistant; Mr. Kevin O'Dwyer, Board Attorney; Mr. Matt Gilmore, AR Department of Health; Ms. Lacey Kirchner, Attorney General Counsel; Ms. Ena Goodbar; Ms. Vicki Farmer, Arkansas Optometric Association, Executive Director; Ms. Debbie Henley, ArOA Executive Assistant; Dr. Allison Hall, ArOA; Mr. Hoa Dao; Ms. Latasha Jackson; and Ms. Laura Carnahan, Court Reporter.

Dr. Ashley stated that there was no word yet from the Governor's office regarding Dr. Ginger's replacement on the board.

Dr. Hennessey presented the minutes of the August 13, 2020 Board meeting. Mr. White made a motion to approve the minutes as presented. Dr. Ford made a second. The motion passed.

Dr. Flippin presented the Accounting Update Report dated September 30, 2020. Mr. Gentry made a motion to accept the financial report. Dr. Reed made a second. The motion passed.

Dr. Ashley presented Dr. Brandon Becken of Arizona for endorsement. Dr. Flippin reported that Dr. Becken had met all requirements for endorsement. Dr. Hennessey made a motion that Dr. Becken be licensed by endorsement. Dr. Ford made a second. The motion passed.

Dr. Ashley recognized Mr. Gilmore to speak regarding the progress on moving the Board office to Little Rock at the Freeway Medical Center. The search for a replacement for Dr. Flippin and Ms. Wineman is in progress.

Drs. Hennessey and Ford presented information on tele-optometry rules and regulations and noted that there were minimal changes necessary. No formal action was taken on the topic but Dr. Ashley asked that the final draft for the rules and regulations be presented at the next meeting.

Mr. O'Dwyer announced that the hearing for Jordan's Kwik Stop Gas will take place at the November meeting due to a scheduling conflict for their attorney.

Mr. O'Dwyer presented the case against Mr. Hoa Dao for illegal contact lens sales. Mr. Dao responded to the charges and apologized to the board. Mr. White made a motion that Mr. Dao was guilty as charged. Dr. Hennessey made a second. The motion passed. Dr. Hennessey made a motion that Mr. Dao be fined \$1000 to be paid in full by October 2021 and Mr. Dao place signage in his store stating that the retail sale of contact lenses by an unlicensed individual is a crime. Mr. Gentry made a second. The motion passed.

Mr. O'Dwyer presented the case against Ms. Latasha Jackson for illegal contact lens sales. Ms. Jackson responded to the charges. Dr. Hennessey made a motion that Ms. Jackson was guilty as charged. Mr. White made a second. The motion passed. Dr. Reed made a motion that Ms. Jackson be fined \$500 to be paid in full by October 2021. Mr. White made a second. The motion passed.

Dr. Ashley presented information on the jurisprudence test for online and new applicants. Discussion followed. No action was taken.

Dr. Flippin reported that the flowers sent to Dr. Ginger's wife and family were paid by him personally. Board members repaid Dr. Flippin.

Dr. Ashley released the schedule for board meetings in 2021. The dates are February 18, April 22, June 17, August 19, October 21, and November 18. Board Meetings will start at 1:30 p.m., location to be determined. State Board examinations for licensure will be February 18 and June 17. Dr. Hennessey made a motion that the schedule be adopted. Mr. White made a second. The motion passed.

Dr. Ashley opened discussion on an additional fee to be paid by all new applicants for licensure for a federal background check. Our cost for the background check will be \$38.50. Mr. O'Dwyer noted that increased fees for state agencies were typically not approved. Further discussion was tabled.

Dr. Ashley spoke about Act 579, AN ACT TO AMEND THE DEFINITION OF "PRACTICE OF OPTOMETRY." A public hearing will be held October 29, 2020 at 8:30 a.m., allowing the public to comment on the rules and regulations being proposed for the enactment of Act 579. Further discussion ensued as to what other actions must be taken before the Board can certify Arkansas optometrists and new licensees to be able to practice to the full extent of the new law, but no formal action was taken.

Dr. Ashley also spoke about Dr. Sylvia Simon being the chairman of the Arkansas Medical Board. Dr. Simon had contacted Dr. Ashley. She inquired about contacting the Attorney General and requesting a meeting to discuss the Dental, Medical and Optometry Boards desire to hire their own attorney.

Dr. Hennessey made a motion that per diem and travel be paid to board members for this meeting. Mr. White made a second. The motion passed.

The next Board meeting will be November 19th at 1:30 p.m. in Room 445 of the Victory Building. This will be the last meeting for 2020.

Mr. Gentry made a motion to adjourn. Mr. White made a second. The motion passed.

The meeting adjourned at 3:00 p.m.

---

Dr. Bryant Ashley, President

---

Dr. Dan Hennessey, Secretary/Treasurer